SINGLE BENCH

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (SERVICE) No. 1295 /2007

PETITIONER

Vinay Kumar Soni, S/o Late C.L. Soni, aged about 18 years, R/o C/o Pardeshi Soni, Mahamaya Chowk, Durjabandpara, Near Reghuraj Girls School, Pandariya, District Kabeerdham (C.G.)

15/8/07 P.M. Shivraj 21/2/07

Versus

RESPONDENTS

1. The State of Chhattisgarh Through the Secretary, Tribal Welfare Department, D.K.S. Bhavan, Raipur (C.G.)
2. The Collector, Jashpur (C.G.)
3. The Principal, Government Higher Secondary School Boys, Kunkuri, Tahsil – Kunkuri, District Jashpur (C.G.)
4. The Assistant Commissioner, Tribal Welfare, Jashpur (C.G.).

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(25)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) No. 1295 of 2007.

Petitioner : Vinay Kumar Soni

Versus

Respondents : State of Chhattisgarh & Others

Present : Shri P.M.Shrivas, Advocate for the petitioner.
Ku. Deepali Pandey, Panel Lawyer for State/respondents.

ORDER
(Passed on 8th of March, 2007)

1. The petitioner is the legal heir and dependent of Late C.L.Soni, who died on 28.6.1989 working as Accountant in the Government Higher Secondary School, Balak, Kunkuri, Block and Tehsil Kunkuri, District Jashpur, in harness. According to the learned counsel for the petitioner, the petitioner became major in the year 2005 and thereafter he made an application for compassionate appointment on 01.08.2006 (Annexure P/3).

2. The application of the petitioner was rejected vide order dated 12.09.2006 on the ground that as per circular dated 2nd February 2006, the employees who had died after 1.11.1997 would be considered for grant of compassionate appointment.

3. The said circular came into consideration before this Hon'ble Court in several other writ petitions which were directed to be considered in accordance with the said circular. Even otherwise, the death of the father of the petitioner took place on 28.6.1989.

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4. It is well established principle of law that the grant of compassionate appointment is a back door entry as it is not in accordance with constitutional provisions. The grant of compassionate appointment is to provide succor and relief to the dependent members who had become penurious on the death of the bread earner of the family. The petitioner has survived since the year 1989 till 2005 without any assistance from any source.

5. In view of that, at this stage, no direction can be issued to grant compassionate appointment which itself is not a constitutional method of appointment and the petitioner had maintained himself for about 25 years.

6. Thus, for the reasons stated above, this petition is disposed of, summarily.

Sd/-
Satish K.Agnihotri
Judge

Amit